

Second Supplemental Agreement to
Miscellaneous Contracts and Agreements No. 2392

THIS SECOND SUPPLEMENTAL AGREEMENT, made and entered into by and between the UNITED STATES DEPARTMENT OF COMMERCE, BUREAU OF PUBLIC ROADS, acting by its Federal Highway Administrator, herein-after called "Government", and STATE OF OREGON, by and through its State Highway Commission, hereinafter called "State";

W I T N E S S E T H:

RECITALS:

1. State, on June 9, 1961, entered into Miscellaneous Contracts and Agreements No. 2392, titled "Agreement for Carrying Out National Policy Relative to Advertising Adjacent to the National System of Interstate and Defense Highways", with Government, pursuant to the provisions of Chapter 615, Oregon Laws 1961, and Section 131, Title 23 U.S.C.

2. Chapter 400, Oregon Laws 1963, effective September 2, 1963, transferred the duty of administering the State law regulating Outdoor Advertising along all State Highways from the Commissioner of the Oregon State Bureau of Labor, as provided in said Chapter 615, Oregon Laws 1961, to the State Highway Commission and the State Highway Engineer.

3. Pursuant to said Chapter 400, Oregon Laws 1963, State adopted amended Rules and Regulations pertaining to Outdoor Advertising along the National System of Interstate and Defense Highways, and said amended Rules and Regulations were approved by Government by a supplemental agreement with State, dated July 18, 1963.

4. Clause 3 of said Agreement No. 2392, titled State's Obligation, provides as follows:

"The State hereby agrees that, in accordance with the terms of this Agreement, and Chapter 615, Oregon Laws 1961, it will control or cause to be controlled the erection and maintenance of outdoor advertising signs, displays and devices in Protected Areas within such State consistent with the Act and the national standards."

5. Clause 9 of said Agreement No. 2392, titled Payment Upon Evidence of Compliance, provides in part as follows:

"Payment of the one-half of one per centum increase in the federal share will be made by the Administrator from funds appropriated and available for such purpose with respect to any project upon the submission by the State to the Administrator of a satisfactory showing

that the State has fulfilled its obligations under this Agreement in connection with such project, that such project is completed, and that State is continuing to carry out its obligations hereunder with reference to all other highways on the Interstate System." Under-scoring supplied.

6. Pursuant to the above-mentioned Oregon laws the Oregon State Bureau of Labor administered control of highway outdoor advertising in Oregon, including said Interstate System, until September 2, 1963. Before such transfer of administration to the Highway Commission, said Bureau of Labor erroneously issued permits for the erection of signs along the hereinafter mentioned sections of Interstate System Highway No. 5. The erroneous permits were discovered by the Highway Commission after it assumed jurisdiction and after the signs had been erected.

7. To require the sign companies to immediately remove their costly, illuminated, noncomplying signs would cause a grave financial loss to the companies. The existence of these noncomplying signs, however, has been determined by the Bureau of Public Roads to disqualify the State of Oregon from receipt of any payment on a project-by-project basis of the one-half of one per cent additional allowance for said advertising control adjacent to Interstate System Highways, even for those projects which are in full compliance with the Federal and State Laws, Rules and Regulations.

8. It is the purpose of this Second Supplemental Agreement between the Government and State to further amend said Agreement No. 2392 by the addition of a new Clause 13. Said Clause 13 in essence is to provide that the requirements of Clause 3 and 9 of said Agreement No. 2392 are to be considered by the United States Bureau of Public Roads as having been fully met so far as the Seven Oaks-Jackson Street, Medford Viaduct, and 12th Street-North Ashland Interchange Sections of Interstate System Highway No 5 are concerned, providing said signs are removed or brought into compliance with said National Policy on or before June 30, 1969.

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is mutually agreed by the parties hereto as follows:

1. The agreement between the parties hereto, relating to National Policy for Control of Advertising Adjacent to Interstate System Highways, Miscellaneous Contracts and Agreements No. 2392, dated June 9, 1961, as amended on July 18, 1963, is hereby further amended by the addition of a Clause 13 to read as follows:

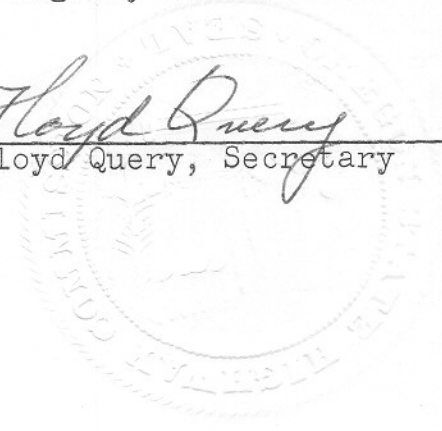
"13. Exception and Extension to June 30, 1969. The preceding Clauses Nos. 3 and 9 shall not act to disqualify State from receiving a one-half of one per cent addition to the usual Federal participation in Interstate System Highway construction costs for Regulation and Control of Advertising Adjacent to Interstate Highways on all past and future completions of

various sections of said Interstate Highways, on a project-by-project basis, due to the existence of presently noncomplying signs located on the Seven Oaks-Jackson Street, Medford Viaduct, and 12th Street-North Ashland Interchange Sections of Interstate System Highway No. 5. Any noncomplying signs on the above-mentioned sections shall be removed or caused to comply with said National Policy on or before June 30, 1969."

2. It is agreed that Government shall permit State to now fully qualify for the aforesaid additional allowance on a project-by-project basis for all presently completed and future completions of projects which are in compliance with said original Agreement No. 2392, as amended.

IN WITNESS WHEREOF, the State has caused this Agreement to be duly executed in its behalf by the Highway Commission's Secretary, and Government has likewise caused the same to be duly executed on its behalf by its Federal Highway Administrator.

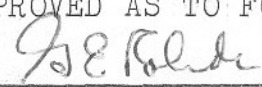
This agreement was approved by the Oregon State Highway Commission on June 1, 1965, at which time the Secretary for the Commission was authorized to sign said agreement for and on behalf of the Commission. Said authority is set forth in Volume 50, Page , Minute Book of the Oregon State Highway Commission.


Floyd Query
Floyd Query, Secretary

APPROVED:


Assistant State Highway Engineer

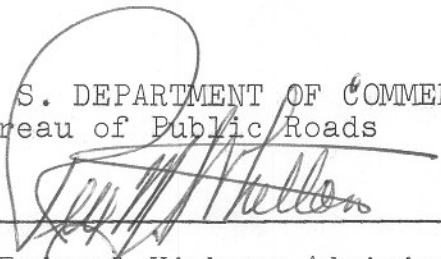
APPROVED AS TO FORM:


Chief Counsel

ATTEST:

U. S. DEPARTMENT OF COMMERCE
Bureau of Public Roads

By


Federal Highway Administrator